

IN THE CHANCERY COURT OF DESOTO COUNTY, MISSISSIPPI

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KEVIN McCANDLESS and wife, JANA;  
JOHN DORAN and wife, JUDITH;  
JOHN A. BOSSIER and wife, ANGELIQUE D.;  
JEFF N. REICHARDT and wife, MONICA ANN;  
JAMES R. FENNEMA and wife, KYM M.;  
and RTO HOMES, LLC.

Plaintiffs,

MATTHEW MICHEL and wife, MELISSA;  
JAMES S. WILLIAMS and wife, CONNIE M.;  
CHAD WOOD and wife, MONICA;  
SANDRA D. KING; LARRY D. DAVIS and  
wife, SHERRI T., and URURA and  
TSHOMA MAYERS; CHARLES J. ROBINSON  
and wife, HOLLY L.

Involuntary Plaintiffs,

v.

Cause No. 07-08-1739

ANN MOTZ; T & A INVESTMENTS, LLC;  
PEACHTREE BUILDING GROUP, LLC;  
WESTSIDE BUILDERS, INC.;  
JAIRUS G. LEE and wife, MARSHARA L.;  
LARRY A WEBB and wife, CRYSTAL D.;  
AREF NAHHAS; JOHN DOE;  
and UNKNOWN PARTIES IN INTEREST,

Defendants.

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~~PROPOSED~~ ORDER ON PLAINTIFFS' RULE 60 MOTION FOR RELIEF

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This matter came on to be heard this 22<sup>nd</sup> day of February, 2011, upon Plaintiffs' Rule 60  
Motion for Relief and Memorandum in Support Thereof incorporated therein.

And it appearing to the Court from statements of all counsel for all parties that the Order  
of September 8, 2008 neglected to make reference to the metes and bounds description of the

(Stephen  
Billie  
2nd pg)

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**FILED**  
**FEB 22 2011**  
W E DAVIS, CLERK

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reinstated Plat #2, the holding of Plat #3 to be a nullity.

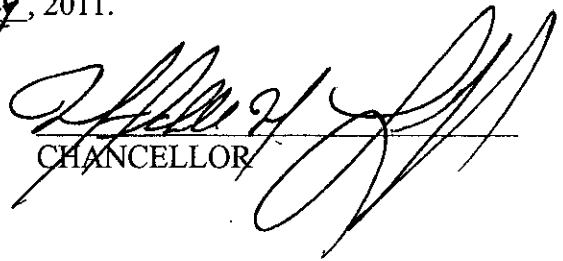
The parties submit and the Court concurs that the amending of the September 8, 2008 Order to make reference to the metes and bounds description of Plat #2, a description of which is attached hereto as Exhibit A and incorporated herein by reference, is in the manifest best interest of all parties and the viability of the subdivision itself.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Order of this Court dated September 8, 2008 is amended to incorporate by reference the metes and bounds description of Plat #2 as more fully set out in Exhibit A hereto.

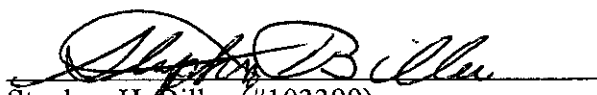
IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this Order shall be entered nunc pro tunc September 8, 2008.

ALL OF WHICH IS SO ORDERED, ADJUDGED AND DECREED.

SO ORDERED this the 22<sup>nd</sup> day of February, 2011.

  
CHANCELLOR

APPROVED AS TO FORM:

  
Stephen H. Biller (#103399)  
THE BILLER LAW FIRM  
6000 Poplar Avenue, Suite 250  
Memphis, TN 38119  
(901) 261-5454  
*Attorney for Plaintiffs*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and exact copy of the foregoing instrument has been served, via U.S. Mail, postage prepaid, to:

Tracy Walsh, Esq.  
Walsh Law Office  
6812 Crumpler Blvd., Suite 201  
Olive Branch, MS 38654

Honorable Alex B. Gates  
Chapter 7 Trustee  
Post Office Box 216  
Sumner, MS 38957

Joseph M. Sparkman, Esq.  
P.O. Box 266  
Southaven, MS 38671-0266

William P. Myers, Esq.  
Myers Graves, PLLC  
Post Office Box 876  
Hernando, MS 38632

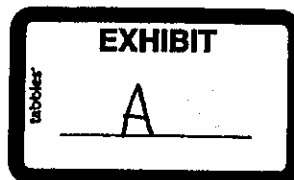
This the 22 day of February, 2011.

  
Stephen H. Biller

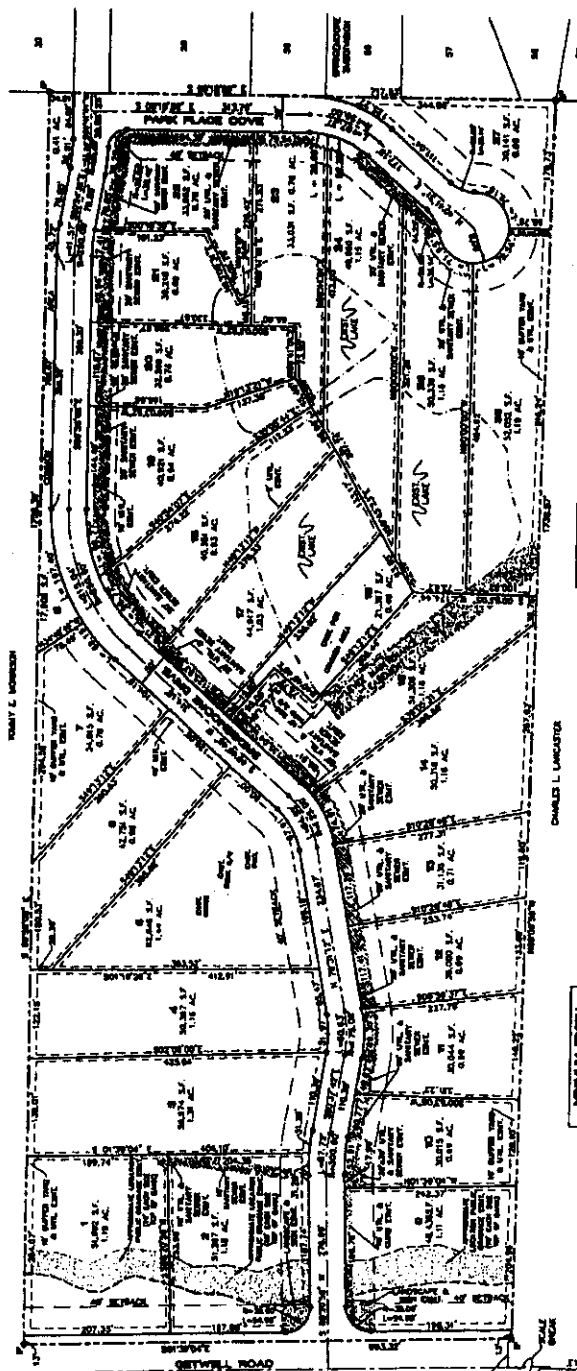
**Legal description**

A 28.30, more or less, acre parcel of land being situated in the southwest quarter of Section 22, Township 2 south, Range 7 west, Desoto County, Mississippi, being known as Stonebridge Subdivision and being more particularly described as follows:

Commencing at the southwest corner of Section 22, Township 2 south, Range 7 west: thence north 00 degrees 00 minutes 00 seconds west, 755.13 feet; thence north 90 degrees 00 minutes 00 seconds east, 36.98 feet to a ½" steel pipe on the east right of way line of Getwell Road, said steel pipe being the true point of beginning of the herein described tract; thence along said east right of way line, north 01 degree 39 minutes 04 seconds west, 693.32 feet to a ½" steel pipe; thence departing said right of way line, south 89 degrees 56 minutes 08 seconds east, 1755.38 feet to a ½" steel pipe; thence south 00 degrees 18 minutes 59 seconds east, 717.93 feet to a ½" steel pipe; thence north 89 degrees 06 minutes 55 seconds west, 1739.57 feet to the point of beginning, containing 28.30, more or less, acres of land and being subject to all codes, covenants, regulations, restrictions, easements, and rights of way of record.







| OLIVERTY TABLE |       |       |       |
|----------------|-------|-------|-------|
| LET 1          | LET 2 | LET 3 | LET 4 |
| 1              | 10    | 10    | 10    |
| 2              | 10    | 10    | 10    |
| 3              | 10    | 10    | 10    |
| 4              | 10    | 10    | 10    |
| 5              | 10    | 10    | 10    |
| 6              | 10    | 10    | 10    |
| 7              | 10    | 10    | 10    |
| 8              | 10    | 10    | 10    |
| 9              | 10    | 10    | 10    |
| 10             | 10    | 10    | 10    |
| 11             | 10    | 10    | 10    |
| 12             | 10    | 10    | 10    |
| 13             | 10    | 10    | 10    |
| 14             | 10    | 10    | 10    |
| 15             | 10    | 10    | 10    |
| 16             | 10    | 10    | 10    |
| 17             | 10    | 10    | 10    |
| 18             | 10    | 10    | 10    |
| 19             | 10    | 10    | 10    |
| 20             | 10    | 10    | 10    |
| 21             | 10    | 10    | 10    |
| 22             | 10    | 10    | 10    |
| 23             | 10    | 10    | 10    |
| 24             | 10    | 10    | 10    |
| 25             | 10    | 10    | 10    |
| 26             | 10    | 10    | 10    |
| 27             | 10    | 10    | 10    |
| 28             | 10    | 10    | 10    |
| 29             | 10    | 10    | 10    |
| 30             | 10    | 10    | 10    |
| 31             | 10    | 10    | 10    |
| 32             | 10    | 10    | 10    |
| 33             | 10    | 10    | 10    |
| 34             | 10    | 10    | 10    |
| 35             | 10    | 10    | 10    |
| 36             | 10    | 10    | 10    |
| 37             | 10    | 10    | 10    |
| 38             | 10    | 10    | 10    |
| 39             | 10    | 10    | 10    |
| 40             | 10    | 10    | 10    |
| 41             | 10    | 10    | 10    |
| 42             | 10    | 10    | 10    |
| 43             | 10    | 10    | 10    |
| 44             | 10    | 10    | 10    |
| 45             | 10    | 10    | 10    |
| 46             | 10    | 10    | 10    |
| 47             | 10    | 10    | 10    |
| 48             | 10    | 10    | 10    |
| 49             | 10    | 10    | 10    |
| 50             | 10    | 10    | 10    |
| 51             | 10    | 10    | 10    |
| 52             | 10    | 10    | 10    |
| 53             | 10    | 10    | 10    |
| 54             | 10    | 10    | 10    |
| 55             | 10    | 10    | 10    |
| 56             | 10    | 10    | 10    |
| 57             | 10    | 10    | 10    |
| 58             | 10    | 10    | 10    |
| 59             | 10    | 10    | 10    |
| 60             | 10    | 10    | 10    |
| 61             | 10    | 10    | 10    |
| 62             | 10    | 10    | 10    |
| 63             | 10    | 10    | 10    |
| 64             | 10    | 10    | 10    |
| 65             | 10    | 10    | 10    |
| 66             | 10    | 10    | 10    |
| 67             | 10    | 10    | 10    |
| 68             | 10    | 10    | 10    |
| 69             | 10    | 10    | 10    |
| 70             | 10    | 10    | 10    |
| 71             | 10    | 10    | 10    |
| 72             | 10    | 10    | 10    |
| 73             | 10    | 10    | 10    |
| 74             | 10    | 10    | 10    |
| 75             | 10    | 10    | 10    |
| 76             | 10    | 10    | 10    |
| 77             | 10    | 10    | 10    |
| 78             | 10    | 10    | 10    |
| 79             | 10    | 10    | 10    |
| 80             | 10    | 10    | 10    |
| 81             | 10    | 10    | 10    |
| 82             | 10    | 10    | 10    |
| 83             | 10    | 10    | 10    |
| 84             | 10    | 10    | 10    |
| 85             | 10    | 10    | 10    |
| 86             | 10    | 10    | 10    |
| 87             | 10    | 10    | 10    |
| 88             | 10    | 10    | 10    |
| 89             | 10    | 10    | 10    |
| 90             | 10    | 10    | 10    |
| 91             | 10    | 10    | 10    |
| 92             | 10    | 10    | 10    |
| 93             | 10    | 10    | 10    |
| 94             | 10    | 10    | 10    |
| 95             | 10    | 10    | 10    |
| 96             | 10    | 10    | 10    |
| 97             | 10    | 10    | 10    |
| 98             | 10    | 10    | 10    |
| 99             | 10    | 10    | 10    |
| 100            | 10    | 10    | 10    |

| MINIMUM FINISH<br>FLOOR ELEVATIONS | LOT # | ELEVATION |
|------------------------------------|-------|-----------|
|                                    | 1     | 347.56    |
|                                    | 2     | 347.58    |
|                                    | 4     | 348.00    |
|                                    | 6     | 376.00    |
|                                    | 7     | 381.50    |
|                                    | 8     | 348.00    |
|                                    | 13    | 373.00    |
|                                    | 14    | 373.00    |
|                                    | 16    | 374.00    |
|                                    | 25    | 365.00    |
|                                    | 26    | 348.00    |

[illegible]

FINAL PLAT  
FIRST REVISION  
**STONEBRIDGE  
SUBDIVISION**  
SECTION 22, TOWNSHIP 3 SOUTH, RANGE 7 WEST  
DESBORO COUNTY, MISSISSIPPI

SCALE: T = 100°  
APR 2004

ZONING: R-30  
TOTAL AREA: 28.30 AC.  
TOTAL LOTS: 25 RESIDENTIAL, 1/2 COMMERCIAL

DEVELOPER  
7701 LINDEN BLVD  
LOS ANGELES, CA 90048

**SIMS**

**202**

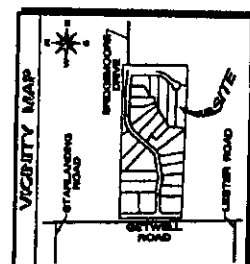
1. MAILMAN STRUCKS ME AS FOLLOWS (UNLESS OTHERWISE NOTED)

2. A 10 PER CENT UTILITY CASHOUT IS REQUIRED ON ALL NEWLY CONSTRUCTED 1 1/2 STORY NEW UTILITY CASHOUTS IN ALL NEW LOT LOTS (BUT NOT EXISTING LOT LOTS) WITHIN THE CITY OF ALBUQUERQUE, NEW MEXICO.
3. WATER AND SEWER SERVICE WILL BE PROVIDED BY THE HOEN IN ALL NEW LOT LOTS (BUT NOT EXISTING LOT LOTS) WITHIN THE CITY OF ALBUQUERQUE, NEW MEXICO.
4. THE PROPERTY IS NOT LOCATED IN A HAZARDOUS SPECIAL ZONED AREA, AND IS NOT LOCATED IN FEMA MAP 15003C(1) IS
5. 1/2" ELECTRICAL CABLES ARE TO BE SET ON ALL PROPERTY CORNERS
6. THERE IS A CEMENT DRIVEWAY.
7. LOTS 2 & 3 SHALL NOT HAVE ANYWAY ACCESS TO DETTILL ROAD.
8. THE LOTS W/IN THE PROPERTY ARE TO BE THE PROPERTY OF THE HOEN/PROPERTY ASSOCIATION ONLY TO BE USED FOR THE LOTS.
9. NEW IMPROVEMENTS CONSTRUCTED BY THE HOEN/PROPERTY ASSOCIATION ON LOTS 2 & 3 ARE THE PROPERTY OF THE HOEN/PROPERTY ASSOCIATION.

### GRAPHIC SCALE



THIS MEMORANDUM IS CLASSIFIED AS A LOW PRIORITY MATTER. THE INFORMATION CONTAINED HEREIN PROVIDES NEITHER RECOMMENDATIONS NOR CONCLUSIONS OF THE FBI. IT IS THE PROPERTY OF THE BUREAU AND IS LOANED TO YOUR AGENCY; IT AND ITS CONTENTS ARE NOT TO BE DISTRIBUTED OUTSIDE YOUR AGENCY. IT IS TO BE RETURNED TO THE FBI WHEN REQUESTED. THIS INFORMATION IS NOT TO BE USED FOR ANY PURPOSES NOT INTENDED BY THE FBI. NO PART OF THIS INFORMATION IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT PERMISSION IN WRITING FROM THE FBI. THIS INFORMATION IS NOT TO BE USED FOR ANY PURPOSES NOT INTENDED BY THE FBI. NO PART OF THIS INFORMATION IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT PERMISSION IN WRITING FROM THE FBI.



STATE OF MISSISSIPPI, COUNTY OF DESOTO  
I HEREBY CERTIFY that the above and foregoing is  
a true copy of the original filed in this office.  
This the 22 day of Feb, 2011  
W.E. Davis, Clerk of the chancery court

**W.E. Davis, Clerk of the chancery court**

S. Patriel